

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

v.

JELANI SOLOMON,

Defendant.

Criminal No. 2:05-CR-0385
Civil No. 2:05-cv-1498
ELECTRONICALLY FILED

MEMORANDUM ORDER DENYING PETITION ([DOC. NO. 945](#))

Presently before the Court is a petition filed, *pro se*, by Defendant Jelani Solomon seeking relief from his conviction on Count Three of the Superseding Indictment that charged Defendant with carrying and using a firearm in relation to a drug trafficking crime in violation of [18 U.S.C. § 924\(c\)\(1\)\(A\)](#). Defendant has styled his Petition as an “Independent Action to Obtain Relief from Judgment or Order Pursuant to [Rule 60 of Federal Rules of Civil Procedure](#).” [Doc. No. 945](#). For the following reasons, Defendant’s Petition will be DENIED.

This is Defendant’s latest attempt in a ceaseless effort to re-litigate the issues in his case that were decided by a Federal Court and Jury and affirmed on appeal. [Doc. No. 665](#); [Doc. No. 837](#). The exact issue raised by Defendant in this Petition, whether *Watson v. United States*, 552 U.S. 74 (2007) dictates that his conviction on Count Three should be void, *see* [doc. no. 945](#), was previously rejected by the District Court in a previous Motion to Vacate pursuant to 28 U.S.C. § 2255. [Doc. No. 896](#).

Additionally, Defendant has filed a Petition with the United States Court of Appeals for the Third Circuit to file a second or successive Motion to Vacate pursuant to [28 U.S.C. § 2255](#), raising the exact same *Watson* issues in his proposed second or successive Motion. See [Doc. No. 939-1](#); and C.A. No. 16-2833 (3d Cir. 2016). Defendant's petition is still pending at the Court of Appeals. *Id.* As such, it would be inappropriate for this Court to take any action on the instant Petition.

Finally, due to his numerous frivolous filings made by Defendant in his attempts to reopen the judgment in this case, he is subject to a standing order entered by the Honorable Terrence F. McVerry (who presided over the trial of this matter), which bars Defendant from filing any "pleadings, motions or documents . . . unless same are preauthorized by an Order of this Court." [Doc. No. 912](#) (attached).

Accordingly, Defendant's Independent Action to Obtain Relief from Judgment or Order Pursuant to [Rule 60 of Federal Rules of Civ. P.](#), [Doc. No. 945](#), is DENIED. The Clerk is hereby directed to refuse and reject for filing any future pleadings, motions, or documents received from Jelani Solomon, or anyone on his behalf in this case, unless same are preauthorized by an Order of this Court.

SO ORDERED, this 15th day of February, 2018,

s/Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All counsel of record

JELANI SOLOMON
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